

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
at Santa Fe, NM

JAN 22 2003

ROBERT M. MARCH, Clerk  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

RAMON ARAGON, *et al.*,  
  
Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM  
Canjilon Creek, Section 3  
Subfile No.: CHCJ-003-0045

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

JAKE MARTINEZ  
VANGIE MARTINEZ

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Canjilon Creek, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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LEGAL SERVICES DIVISION

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Canjilon Creek, Section 3, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** 0611

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** ACEQUIA EL PINABETAL

**Location X:** 1,614,444 feet **Y:** 2,010,229 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 18, Township 26N, Range 05E, N.M.P.M.

Pt. NW $\frac{1}{4}$  0.5 acres

Total 0.5 acres

As shown on the 2000 Hydrographic Survey Map CHCJ- 3.

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**B. NO RIGHT (Surface Water Only):**

**Office of the State Engineer Files No(s)** 0611

**Priority:** NONE

**Source of Water:** Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch Name:** ACEQUIA EL PINABETAL

**Location X:** 1,614,444 feet **Y:** 2,010,229 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage**

Section 18, Township 26N, Range 05E, N.M.P.M.

Pt. NW $\frac{1}{4}$  0.8 acres

Total 0.8 acres

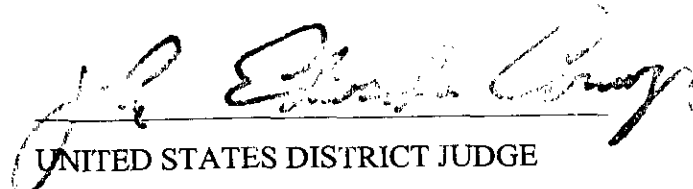
As shown on the 2000 Hydrographic Survey Map CHCJ- 3.

**Amount of Water:** NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Canjilon Creek, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Canjilon Creek, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vivian L. Babin  
SPECIAL MASTER

ACCEPTED: Jake Martinez  
JAKE MARTINEZ  
ADDRESS: P.O. Box 453  
Canyon NM  
87515  
DATE: 9-30-02

ACCEPTED: Vangie Martinez  
VANGIE MARTINEZ  
ADDRESS: P.O. Box 453  
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DATE: 9-30-2002

Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

10-3-02  
Date